

IC 12-8-3

Chapter 3. Family and Social Services Advisory Commission

IC 12-8-3-1

"Committee" defined

Sec. 1. As used in this chapter, "committee" refers to the family and social services committee established by section 2 of this chapter.

As added by P.L.2-1992, SEC.2. Amended by P.L.42-1995, SEC.10.

IC 12-8-3-2

Establishment

Sec. 2. The family and social services committee is established.

As added by P.L.2-1992, SEC.2. Amended by P.L.42-1995, SEC.11.

IC 12-8-3-2.5

Applicability of chapter

Sec. 2.5. This chapter does not apply to a rule that is approved or adopted by any committee, board, or commission authorized by statute to approve or adopt rules.

As added by P.L.42-1995, SEC.12.

IC 12-8-3-3

Membership; chairperson; agenda

Sec. 3. (a) The committee consists of fifteen (15) voting members appointed by the governor. The voting members shall be the governing body of the committee for the purposes of IC 5-14-1.5. The voting members may not be employees of the executive branch or legislative branch of the state. Not more than five (5) of the members may be health care providers (as defined in IC 16-18-2-163). The members must include the following:

(1) Eight (8) individuals who have expertise in one (1) or more programs administered by the office of the secretary of family and social services.

(2) One (1) physician licensed under IC 25-22.5.

(3) One (1):

(A) member of the board of directors;

(B) administrator; or

(C) officer;

of a hospital licensed under IC 16-21 that is a disproportionate share provider under IC 12-15-16-1(a) or IC 12-15-16-1(b).

(4) One (1) individual who serves as a provider on the Medicaid advisory committee (IC 12-15-33-2) who shall represent the interests of health care providers having representation on the Medicaid advisory committee. However, the member appointed under this subdivision may not be a licensed physician under IC 25-22.5 or a representative of a hospital licensed under IC 16-21.

(5) Four (4) individuals who:

(A) are consumers of services; or

- (B) advocate on behalf of consumers of services;
administered by the office of the secretary of family and social services and representing each of the divisions of family and social services and the office of Medicaid policy and planning.
- (b) The following individuals shall provide advice and counsel to the committee and serve as ex officio nonvoting members:
- (1) The director of the budget agency.
 - (2) The superintendent of public instruction.
 - (3) The commissioner of the department of correction.
 - (4) The state health commissioner or the commissioner's designee.
 - (5) A medical economist who is knowledgeable about cost shifting by health care providers who provide health care services to Medicaid patients and the impact of cost shifting on the cost of health insurance coverage.
 - (6) An individual who is knowledgeable about property tax rates and the impact of state public assistance programs on property tax rates.
 - (7) The secretary of family and social services or the secretary's designee.
- (c) The governor shall select a chairperson at the first committee meeting and any time immediately before the expiration of the chairperson's term. The committee shall meet at least monthly and at the call of the chairperson.
- (d) In addition to the requirements of IC 5-14-1.5, the office of the secretary or a division will make a good faith effort to ensure that members of the committee receive a copy of the agenda at least forty-eight (48) hours before any meeting.
- As added by P.L.2-1992, SEC.2. Amended by P.L.4-1993, SEC.28; P.L.5-1993, SEC.41; P.L.42-1995, SEC.13.*

IC 12-8-3-4

Member terms

- Sec. 4. (a) Notwithstanding IC 12-8-2-4, each voting member of the committee shall be appointed for a term of three (3) years. A member may be reappointed for additional terms.
- (b) Each nonvoting member of the committee shall serve a term as follows:
- (1) If the member is not an employee of the executive branch of the state, three (3) years.
 - (2) If the member is an employee of the executive branch of the state:
 - (A) three (3) years; or
 - (B) until the member is no longer an employee of the executive branch of the state;whichever occurs first.
 - (c) Each member shall serve until a successor is appointed.
 - (d) The chairperson of the committee must be a voting member of the committee. The term of the chairperson is three (3) years.
- As added by P.L.2-1992, SEC.2. Amended by P.L.42-1995, SEC.14.*

IC 12-8-3-4.1

Members with financial interest

Sec. 4.1. (a) As used in this section, "financial interest" means an interest:

(1) in a purchase, sale, lease, contract, option, or other transaction between:

(A) the office of the secretary;

(B) the divisions; or

(C) the office;

and any person; or

(2) involving property or services;

in which a committee member or a committee member's spouse or unemancipated children may gain a benefit of at least two hundred fifty dollars (\$250). The term includes an interest arising from employment or prospective employment for which negotiations have begun. The term does not include the interest of a committee member in the common stock of a corporation unless the combined holdings of the member, the member's spouse, and the member's unemancipated children in the corporation total more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interest of the general public.

(b) A committee member may not vote on a rule if the member has a financial interest in the outcome of the vote.

(c) A committee member who may not vote on a rule under subsection (b) may still participate in any discussions regarding the rule.

As added by P.L.42-1995, SEC.15.

IC 12-8-3-4.2

Rules; adoption; committee review; approval; rejection

Sec. 4.2. (a) If the secretary and the chairperson of the committee jointly determine that delay in the adoption of a rule under IC 4-22-2-29 will:

(1) have an immediate and direct impact on the health, welfare, or safety of persons;

(2) result in a violation of federal or state law;

(3) have a substantial fiscal impact upon the state that is greater than or equal to two million dollars (\$2,000,000) annually; or

(4) result in the forfeiture of federal waivers obtained by the secretary or any division;

adoption of the rule may proceed in accordance with subsections (b) through (e).

(b) If the secretary and the chairperson of the committee make a determination under subsection (a), the proposed rule must be provided to committee members for the committee's review and recommendations within five (5) days after:

(1) the rule is published in the Indiana Register; or

(2) the determination is made under subsection (a);

whichever occurs first.

(c) The committee may meet to consider the proposed rule within

sixty (60) days after the date of publication of the rule in the Indiana Register and may reject or approve the rule.

(d) If the committee approves the proposed rule as described in subsection (c) and the rule, when adopted under IC 4-22-2-29, is identical to the proposed rule, except for technical changes, the rule need not be resubmitted to the committee for approval under this chapter.

(e) If the committee rejects or fails to approve the proposed rule as described in subsection (c) or the rule adopted under IC 4-22-2-29 is not identical to the proposed rule, except for technical changes, the rule must be resubmitted to the committee for approval or rejection before submission to the attorney general under IC 4-22-2-31. The committee shall reject or approve the rule within sixty (60) days after the date of resubmission of the rule to the committee under this subsection.

As added by P.L.42-1995, SEC.16.

IC 12-8-3-4.3

Rules; time of action; placement on calendar; revisions

Sec. 4.3. (a) A rule that has been adopted by the secretary or any division under IC 4-22-2-29 and submitted to the committee for approval must be acted upon by the committee in accordance with subsection (b) or (c) within two hundred sixty-five (265) days after the date the rule was published as a proposed rule in the Indiana Register.

(b) At any meeting of the committee, the committee may vote to place a rule upon a consent calendar. At least two-thirds (2/3) vote of the members present at a meeting is required to place a rule upon a consent calendar. Rules placed upon a consent calendar are deemed to be approved by the committee.

(c) If the committee does not vote to place a rule on a consent calendar, the committee may:

- (1) approve the rule;
- (2) reject the rule; or
- (3) return the rule to the secretary or a director without disapproving the rule.

(d) If the committee returns a rule under subsection (c)(3), the secretary or a director may revise the rule and resubmit the rule to the committee for consideration under this chapter. Subject to the requirements of IC 4-22, a rule revised under this subsection need not be republished in the Indiana Register.

As added by P.L.42-1995, SEC.17.

IC 12-8-3-4.4

Rules; notice of adoption; copies

Sec. 4.4. (a) When a proposed rule is adopted under IC 4-22-2-29 by the office of the secretary or by a division, the entity shall publish a notice that the rule has been adopted as a final rule in the next available issue of the Indiana Register.

(b) Copies of a rule adopted under IC 4-22-2-29 must be available at the following locations:

- (1) The office of the secretary or the office of the director of the division that adopts the rule.

(2) The office of the general counsel of the family and social services agency.

(3) The legislative information center.

As added by P.L.42-1995, SEC.18.

IC 12-8-3-5

Functions

Sec. 5. The committee may advise the secretary on the following matters:

(1) Policy.

(2) Comprehensive planning.

(3) Coordination of:

(A) family and social services programs; and

(B) family and social services programs with related programs administered by the state department of health.

As added by P.L.2-1992, SEC.2. Amended by P.L.42-1995, SEC.19.

IC 12-8-3-6

Repealed

(Repealed by P.L.42-1995, SEC.26.)